

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 11-cr-20554

Honorable Robert H. Cleland
United States District Court Judge

v.

SAMAN SAMONA,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, an Indictment was filed on or around September 6, 2011, which charged Defendant Saman Samona, in Counts One and Two, with felon in possession of a firearm pursuant to 18 U.S.C. § 922(g)(1).

WHEREAS, the Indictment sought criminal forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) of the following firearm involved in Counts One and Two of the Indictment:

- One (1) H&K .45 caliber semi-automatic pistol, serial number HKU000803 (“Subject Firearm”)

WHEREAS, Defendant Saman Samona entered into a Rule 11 Plea Agreement, wherein he pleaded guilty to Counts One and Two of the Indictment.

WHEREAS, in the Rule 11 Plea Agreement, Defendant also agreed to the forfeiture of the Subject Firearm pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. §

2461.

NOW THEREFORE, based upon the Indictment, Defendant's acknowledgment of forfeiture, and the information in the record:

IT IS HEREBY ORDERED that Defendant Saman Samona shall forfeit the following property:

- One (1) H&K .45 caliber semi-automatic pistol, serial number HKU000803

IT IS FURTHER ORDERED that any and all right, title and interest of Defendant Saman Samona, in the above listed property, and any right, title or interest that his heirs, successors, or assigns may have, **IS HEREBY AND FOREVER EXTINGUISHED.**

IT IS FURTHER ORDERED that upon entry of this Preliminary Order of Forfeiture, the United States Attorney General or his designee is authorized to commence any applicable proceeding to comply with the statutes governing third party rights, including giving notice of this Order.

The United States shall publish on www.forfeiture.gov, notice of this preliminary forfeiture order and of its intent to dispose of the above-named property in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n). Said notice shall direct that any person other than the Defendant asserting a legal interest in the property may file a petition with the Court within

thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the property. The petition must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the property.

Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to Defendant Saman Samona at the time of his sentencing. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed.R.Crim.P. 32.2(c)(2).

Any petition filed by a third party asserting an interest in the Subject Property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Subject Property, and additional facts supporting the

petitioner's claim and the relief sought.

After the disposition of any motion filed under Fed.R.Crim.P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions.

The Court retains jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed.R.Crim.P. 32.2(e).

IT IS HEREBY ORDERED.

Date: October 7, 2014

s/Robert H. Cleland
HONORABLE ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE